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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,000	03/17/2004	Lee Friedman	190250-1760	4402
38823 7590 11/13/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T BLS Intellectual Property, Inc. 600 GALLERIA PARKWAY SUITE 1500 ATLANTA, GA 30339			EXAMINER EL CHANTI, HUSSEIN A	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/803,000	FRIEDMAN, LEE	
	Examiner	Art Unit	
	Hussein A. El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application filed on March 17, 2004. Claims 1-23 are pending examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17, 18 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17, 18 and 23 lacks or not limited to physical articles or objects (based on intrinsic evidence on since claims 17-23 recite "the program comprising") which are structurally and functionally interconnected to the code in such a manner or to establish a statutory category of invention and enable the code to act as a computer component and realize its functionality. Claims 17-23 claim the code of the program and not the functionality of the code.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 13, 14, 17, 19-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison et al., U.S. Patent No. 6,330,560 (referred to hereafter as Harrison).

As to claim 1, Harrison teaches a logical port configuration system, the system comprising:

a server computing element (see col. 4 lines 46-62 and fig. 1); and

a client computing element communicatively coupled to the server computing element, the client computing element configured to initiate a test, whereupon the server computing element communicatively interacts with the client computing element to discover a port status of a first port of the client computing element, the first port of the client computing element being associated with an application program operative on the client computing element (see col. 4 lines 46-col. 5 lines 20, the status of the lock port before connecting the lock port).

As to claim 2, Harrison teaches the system of claim 1, further comprising the server computing element configured to receive a test initiation command that is transmitted by the client computing element using a first Internet Protocol socket (see col. 6 lines 4-14, an IP socket connection is created for testing).

As to claim 3, Harrison teaches the system of claim 2, further comprising the client computing element communicatively interacting with the server computing element using at least one of a query message, an acknowledgement message, and a time-out message to discover the port status of the first port of the client computing element (see col. 5 lines 30-36, queries are sent to check the status of the port).

As to claim 4, Harrison teaches the system of claim 3, wherein the test further comprises discovering a port status of a second port of the client computing element,

the second port of the client computing element being associated with the application program operative on the client computing element (see col. 5 lines 4-21).

As to claim 5, Harrison teaches the system of claim 4, wherein the first port is a uni-directional port of the client computing element and the second port is a bi-directional port of the client computing element (see col. 5 lines 4-21, the status port is a bi-directional port that responds to queries while the lock port is a uni-directional port that only receives update data from other devices).

As to claim 6, Harrison teaches the system of claim 5, wherein the client computing element generates a status report comprising the status of the first and second ports of the client computing element (see col. 5 lines 4-21).

As to claim 7, Harrison teaches the system of claim 6, wherein the status report further comprises instructions to a user to configure the first port of the client computing element to enable the client computing element to communicatively couple to a remote client computing element when using the application program (see col. 6 lines 4-45).

As to claim 8, Harrison teaches the system of claim 7, wherein the client computing element communicates with the server computing element through a router (see col. 4 lines 47-52 and col. 6 lines 4-45).

As to claim 9, Harrison teaches the system of claim 8, wherein the status report further comprises instructions to a user to configure the router (see col. 4 lines 47-52 and col. 6 lines 4-45, the LDAP server is configured).

As to claim 10, Harrison teaches the system of claim 9, wherein the client computing element communicates with the router to obtain operating information of the router (see col. 6 lines 4-45).

As to claim 13, Harrison teaches the system of claim 1, wherein the client computing element further contains a database comprising a port information of a plurality of ports, for operating the application program (see col. 6 lines 4-45, the LDAP server maintains a database with regards to the status and lock port of each application on the communication device).

As to claim 14, Harrison teaches the system of claim 13, wherein the port information comprises a plurality of port identifiers and a plurality of network transport protocols operative on the plurality of ports (see col. 6 lines 4-45).

As to claim 17, Harrison teaches a logical port configuration program stored on a computer-readable medium, the program comprising:

a first computer-readable code contained in a first client computing element; and
a second computer-readable code contained in a server computing element (see col. 4 lines 46-62 and fig. 1),

the first and second computer readable codes operative to performing a communication test between the first client computing element and the server computing element to discover the status of at least one port of the first client computing element, wherein the at least one port is used in an application program operative to providing communication between the first client computing element and a second client

computing element (see col. 4 lines 46-col. 5 lines 20, the status of the lock port before connecting the lock port).

As to claim 19, Harrison teaches a method for configuring a logical port, the method comprising:

transmitting on a first logical port, a message requesting a test of a second logical port (see col. 5 lines 51-col. 6 lines 3);

receiving an acknowledgement message on the first logical port (see col. 5 lines 51-col. 6 lines 3); and

compiling a configuration result based on at least one of a receipt of a test message through the second logical port (see col. 5 lines 51-col. 6 lines 3), and

a timeout period during which the test message is not received through the second logical port (see col. 6 lines 4-45, if the status port indicate that the port lock port is still being occupied by another for a period of time).

As to claim 20, Harrison teaches the method of claim 19, wherein the second logical port is operative in running a first software application program (see col. 5 lines 51-67).

As to claim 21, Harrison teaches the method of claim 19, wherein the second logical port is one of a plurality of ports that are required to run a first software application program (see col. 5 lines 51-col. 6 lines 3).

As to claim 23, Harrison teaches a software wizard program stored on a computer-readable medium, the program comprising:

logic configured to provide instructions to a user for initiating a test program that tests a logical port for use in a first software application program (see col. 5 lines 51-col. 6 lines 3);

logic configured to provide a test result comprising a port status of the logical port (see col. 5 lines 51-col. 6 lines 3); and

logic configured to provide instructions to the user for configuring the logical port when the port status is a failed status (see col. 6 lines 4-45, if the status port indicate that the port lock port is still being occupied by another for a period of time).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12, 15, 16, 18 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Kung et al., U.S. Patent No. 6,917,610 (referred to hereafter as Kung).

As to claims 11, 12 and 22, Harrison teaches a system and method where a client computing element communicatively coupled to the server computing element,

the client computing element configured to initiate a test, whereupon the server computing element communicatively interacts with the client computing element to discover a port status of a first port of the client computing element, the first port of the client computing element being associated with an application program operative on the client computing element (see col. 4 lines 46-col. 5 lines 20, the status of the lock port before connecting the lock port).

Harrison does not explicitly teach that the application program is an audio-video chat program. However, Kung teaches a system and method for allocating UDP ports for a video/audio conferencing (see abstract).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to use Harrison's method and system of checking port status before connecting to a different device in the an audio video chat program. Motivation to combine comes from the knowledge well known in the art that checking port status for a chat program before connecting would provide guarantee that the session will not be dropped or failed and therefore would make the system more reliable.

As to claims 15, 16 and 18, Harrison teaches a system and method where a client computing element communicatively coupled to the server computing element, the client computing element configured to initiate a test, whereupon the server computing element communicatively interacts with the client computing element to discover a port status of a first port of the client computing element, the first port of the client computing element being associated with an application program operative on the

client computing element (see col. 4 lines 46-col. 5 lines 20, the status of the lock port before connecting the lock port). Harrison also teaches that the plurality of ports communicate using TCP.

Harrison does not explicitly teach that the second port is a UDP port. However, Kung teaches a system and method for allocating UDP ports for a multimedia stream (see col. 14 lines 10-27).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Harrison by implementing the second port in the system using UDP protocol as taught by Kung.

Motivation to do so not only comes from the knowledge well known in the art but also from the teachings of Kung (see Kung col. 14 lines 10-27) that using USP would provide a real time communication between devices and therefore would make Harrison's system more versatile and efficient.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Signature: /Hussein Elchanti/

Date : Nov. 8, 2007